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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,366	09/30/1999	YUE HENG XU	INTL-0250-US	5274

21906 7590 04/06/2007
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EXAMINER

LUU, SY D

ART UNIT	PAPER NUMBER
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2174

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	04/06/2007	PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/409,366
Filing Date: September 30, 1999
Appellant(s): YUE HENG XU

MAILED

APR 16 2007

Technology Center 2100

Timothy N. Trop
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 8, 2006, appealing from the Office action mailed March 30, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6,172,677	STAUTNER et al	1-2001
US 6,268,849	BOYER et al	7-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

1. Claims 3-6, 9, and 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3-6, 9 and 11-12 recite the limitations "the first medium," "said Internet," "the Internet," and "said second medium" in lines 2 and/or 3. There are insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 102

2. Claims 1, 3, 7-8, 10, 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Stautner et al. ("Stautner", US 6,172,677).

As per claim 1, Stautner teaches a method of implementing an electronic programming guide through a program receiver comprising:

providing access to a first electronic programming guide with a first set of program selections (fig. 5); providing access to a second electronic programming guide with a second set of program selections, wherein said second set (fig. 2) of program selections is substantially more extensive than said first set of selections (fig. 5); and enabling a user selection of viewing programs on said receiver from said first and second electronic programming guides (col. 4, lines 58-60).

As per claim 3, Stautner teaches that the first EPG provides the programming guide and program content (fig. 5).

As per claim 7, Stautner teaches user selection of provided program selections (col. 4, lines 58 et seq.).

As per claim 8, Stautner teaches providing the first and second EPGs in response to user request (col. 4, lines 29-34).

Claims 10 and 13-14 are similar in scope to claims 1 and 7-8 respectively, and are therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

3. Claims 4-6, 9, 11-12 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner et al. ("Stautner", US 6,172,677) in view of Boyer et al. ("Boyer", US 6,268,849).

As per claims 4-6, 9, and 31-32, while Stautner shows the step of providing the second EPG (fig. 4), Stautner does not expressly disclose that the first and/or second EPGs is provided

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over the Internet. However, providing EPGs over the Internet is known in the art. For instance, Boyer teaches an EPG system for receiving program content from the Internet (Abstract). It would have been obvious to an artisan at the time of the invention to combine Boyer's teaching of using the Internet as a medium for obtaining additional program content with Stautner's method, because the Internet is a world wide network which is widely popular and could greatly extend more resources for obtaining program contents for EPGs.

Boyer further discloses the steps of: (a) automatically coupling the user to said Internet and automatically accessing the Internet upon receiving a request for access from the user (Abstract); and (b) providing access to program guides on two different web sites (col. 1, lines 29 – 67; col. 2, lines 49 – col. 3, lines 8; *different program guide services providing program guides from different websites*). Stautner also teaches the step of providing tuning information (col. 4, lines 58-60).

Claims 11-12 are similar in scope to claims 5-6 respectively, and are therefore rejected under similar rationale.

(10) Response to Argument

Applicant argues on pages 10-11 the following: (a) whereas claim 1 calls for two different electronic programming guides, the Stautner reference teaches only one program guide, and that there is no ability to select between the programming guides as depicted in figures 2 and 5; and (b) none of the cited references teach/suggest the step of accessing program guides on two different websites as required by dependent claims 31-32.

The Examiner disagrees for the following reasons.

Per (a), the language of claim 1, as recited in the preamble “a method of implementing an electronic programming guide through a program receiver...” (emphasis added), specifically indicates that there is only one programming guide being implemented, the Examiner interprets the first and second program guides that are selectable by the user for viewing are merely different “views” of the implemented programming guide. Thus, Stautner’s various modes of display that can be selected by a user as depicted in figures 2 and 5 (col. 4, lines 29-32; col. 6, lines 7-11), appear to be well read into the claim language.

Per (b), it is noted that Boyer does disclose that different websites could be accessed to provide program guides (col. 1, lines 29 – 67; col. 2, lines 49 – col. 3, lines 8; *different program guide services providing program guides from different websites*). Furthermore, Stautner also teaches the program guide to be accessed from multiple sources (col. 1, lines 39-40), which could be provided from Internet services (col. 3, lines 40-50).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sy D. Luu', with a long, sweeping horizontal stroke extending to the right.

Sy D. Luu
Primary Patent Examiner

Conferees:

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